

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TALIA JOYCE NO RUNNER,

Defendant.

CR-15-56-GF-BMM-01

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 30, 2018. (Doc. 59.) No Runner waived her right to the objection period on June 5, 2018. (Doc. 60.) When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a final revocation hearing on May 29, 2018. (Doc. 54.) No Runner admitted that she violated the conditions of her supervised release. (Doc. 59 at 1.) No Runner violated the conditions of her supervised release by 1)

consuming alcohol on May 4, 2018; and 2) failing to report for substance abuse testing on April 19, 2018. *Id.* No Runner denied that she committed a new crime of Assault and Theft on May 4, 2018. *Id.* The United States presented evidence regarding this allegation through the testimony of No Runner's probation officer. *Id.* at 3. Judge Johnston determined that the United States met its burden of proof with respect to the violation of committing a new crime. *Id.*

Judge Johnston has recommended that the Court revoke No Runner's supervised release. *Id.* at 4. Judge Johnston has recommended No Runner should be sentenced to five months of incarceration, followed by twenty-nine months of supervised release. *Id.* Judge Johnston has further recommended that No Runner spend the first 180 days of her supervised release in a Residential Re-Entry Center. The Court finds no clear error in Judge Johnston's Findings and Recommendations. No Runner's violations of her conditions represent a serious breach of the Court's trust. A sentence of five months incarceration, followed by twenty-nine months of supervised release, represents a sufficient, but not greater than necessary sentence.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 59) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Talia Joyce No Runner be sentenced to five months incarceration, followed by twenty-nine months of

supervised release. No Runner shall spend the first 180 days of her supervised release in a Residential Re-Entry Center, as determined by the United States Probation Office.

DATED this 13th day of June, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge